

51641

DATE March 28, 2016

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of Somers in order to distribute funds from the East of Hudson Water Quality Investment Program Fund to fund a portion of the eligible costs associated with the East of Hudson Coalition's Stormwater Retrofit Engineering Study

The attached resolution would authorize the County of Westchester (the "County"), by and through the Department of Planning (the "Department"), to enter into an intermunicipal agreement (the "IMA") with the Town of Somers (the "Town") in order to distribute funds of the East of Hudson Water Quality Investment Program Fund (the "EOH WQIP Fund"). The County serves as custodian of the EOH WQIP Fund under the 1997 New York City Watershed Memorandum of Agreement (the "Watershed MOA"). The IMA will fund a portion of the eligible costs associated with the East of Hudson Coalition's Stormwater Retrofit Engineering Study. The IMA will commence upon execution and continue for a term of five years in an amount not to exceed \$325,000 (the "EOH Funds") and will be disbursed on a reimbursement basis pursuant to the terms of the IMA.

The purpose of the Town's use of the EOH Funds is to assist in the development of a five-year regional retrofit plan for Years 6-10 of the East of Hudson Coalition's Stormwater Retrofit Program as required by the NYS DEC for the Croton watershed located within the New York City drinking water supply system (the "Project"). The total cost of the Project is \$620,000 of which up to \$325,000 will be funded through the EOH Funds. The balance of the Project costs will be funded by Putnam and Dutchess County EOH Coalition members.

Although the Project is not an "Eligible Project" as defined in the Watershed MOA, Section 140c(vii) of same allows the use of EOH WQIP funds for "any other purpose approved by NYC DEP." On September 22, 2015, NYC DEP issued a letter to the County approving the use of EOH WQIP funds for this Project in an amount not to exceed \$325,000.

Further, on October 5, 2015, the County, by and through the Department, issued a right-of-objection letter to the requisite parties stating the County's intent to access and distribute the EOH Funds to the Town on behalf of the Coalition for the purpose of funding the Project. No objections were raised during the required fifteen (15) day timeframe.

On February 8, 2016, the County Board of Legislators (the "Board"), pursuant to Act No. 2-2016, authorized the County to transfer \$325,000 of EOH Funds, for which, as stated previously herein, the County is custodian under the Watershed MOA, into a County Trust Account in order to fund a portion of the eligible costs associated with the Project. Also on February 8, 2016, the Board, pursuant to Act No. 3-2016, authorized the County to enter into the IMA with the Town of Somers on behalf of the East of Hudson Watershed Coalition.

The IMA will serve the public purpose of protecting the environment by improving water quality within the Croton Watershed. The goal and objective of the IMA is to protect the public health and provide a safer environment by improving water quality in the Croton Watershed.

The Department will monitor the Project by reviewing documentation provided by the Town including, but not limited to, invoices in connection with the Project.

Based on the importance of this Project to the County, I respectfully recommend approval of the attached resolution.

EB/sed/cp/lac
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an intermunicipal agreement (the “IMA”) with the Town of Somers (the “Town”) on behalf of the East of Hudson Watershed Coalition; and be it further

RESOLVED, that the IMA, in the not-to-exceed amount of \$325,000 to be transferred from the East of Hudson Water Quality Investment Program Fund to a County Trust Account, will commence upon execution, for a five year term, unless terminated sooner pursuant to its terms, in order to fund a portion of the eligible costs, on a reimbursement basis pursuant to the terms of the IMA, associated with the Stormwater Retrofit Engineering Study that will include the development of a five-year regional retrofit plan for Years 6-10 of the East of Hudson Watershed Coalition’s Stormwater Retrofit Program; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
263	19W	660Q	4380	T660	\$325,000.00

Budget Funding Year(s) FY 2016 Start Date Upon Execution End Date Five years from Execution
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ 325,000 Federal Aid _____
 (no match)

Other \$ 325,000 – East of Hudson Water Quality Investment Program Fund